

# Texas Administrative Code

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<b>TITLE 31</b>	<b>NATURAL RESOURCES AND CONSERVATION</b>
<b>PART 1</b>	<b>GENERAL LAND OFFICE</b>
<b>CHAPTER 19</b>	<b>OIL SPILL PREVENTION AND RESPONSE</b>
<b>SUBCHAPTER B</b>	<b>SPILL PREVENTION AND PREPAREDNESS</b>
<b>RULE §19.20</b>	<b>Certification of Discharge Cleanup Organizations</b>

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- (a) Persons or organizations desiring certification as discharge cleanup organizations must apply to the General Land Office (GLO). Application forms are available from the GLO.
- (b) A discharge cleanup organization must be certified by the GLO to be listed by an owner or operator as a source of adequate response equipment and/or personnel in a facility or vessel discharge prevention and response plan.
- (c) An owner or operator of the facility or vessel will not be required to comply with this section if its response activities are limited to its own unauthorized discharges or to assistance rendered to others in emergency situations. The requirements of this section apply to those organizations who engage in the business of emergency spill response and cleanup operations.
- (d) Discharge cleanup organizations will be categorized as either industry or volunteer.
- (1) Industry organizations are those entities capable of containing, abating, removing and disposing of, or arranging for the disposal of oil and waste from an unauthorized discharge. Industry organizations have personnel trained pursuant to 29 Code of Federal Regulations §1910.120 and subsequent revisions and have equipment or access to equipment sufficient to perform response operations pursuant to national and state contingency plans.
- (2) Volunteer organizations are those entities whose primary purpose is protecting, rescuing, or rehabilitating wildlife and natural resources injured or damaged by an unauthorized discharge. Volunteer organizations must only be permitted by the Texas Parks and Wildlife Department or have certification from an organization with equivalent standards for the purposes of wildlife rehabilitation and other response activities concerning rescuing of any animal affected by a discharge. A separate GLO certificate is not required of the above-described wildlife and natural resource volunteer organizations. Volunteer organizations are also those entities who assist in other response activities approved by the on-scene coordinator but who do not receive compensation for their efforts.
- (e) Industry organizations must be certified by the GLO in order to be listed on a vessel or facility discharge response plan, and in order to be employed by the GLO when it expends fund monies in response to a discharge. Organizations exempt from the certification requirement are those whose primary business activity is vacuum trucks, earth moving, or oil field equipment maintenance. Any other business enterprise which does not represent itself as a spill response entity is not required to be certified under this subsection. Certificates will be issued for a three-year term with annual review. Certificates may be suspended if the discharge cleanup organization fails to maintain adequate response capability. Pursuant to Chapter 21 of this title (relating to Oil Spill Prevention and Response Hearing Procedures) the notice of suspension can be challenged.
- (f) Applicants for certification as an industry organization must submit the following information:

- (1) the applicant's name and address, its legal form or status, the names and addresses of the persons owning or operating the organization, and its membership if applicable;
- (2) the geographic area the applicant will serve;
- (3) the equipment and supplies owned by the applicant and available for abatement, containment, and removal of pollution from an unauthorized discharge of oil; if the applicant intends to rely in whole or in part on equipment and supplies owned by a separate entity, then the applicant must submit the name of the owner and the location of the equipment and supplies, and the procedure for accessing such equipment and supplies;
- (4) a certified statement of the applicant's general liability insurance coverage, and workmen's compensation and automobile liability insurance coverage;
- (5) the number of employees and whether they are employed on a full or part-time basis and the number of employees which the applicant can command in the event of a major spill event; the training of such personnel including whether they have received training pursuant to 29 Code of Federal Regulations §1910.120; the experience and other relevant qualifications of all personnel;

(6) the applicant's standard operating plan for containment, recovery, storage, separation, transportation, disposal or arrangements for disposal or recycling of oil or waste, and minimization of waste generated from an unauthorized discharge;

(7) the applicant's health and safety plan.

(g) In certifying industry organizations, the GLO will consider factors including:

- (1) the applicant's size, membership, and quality of response capability (which includes among other things the experience of the applicant's owners, operators, and personnel, the applicant's ability to properly dispose of waste or to arrange for the proper disposal of waste and recycling of materials generated by the discharge, the plan for waste minimization from discharges, the quantity and quality of equipment or supplies owned or available to the applicant, and the proximity of such equipment and supplies to the area the applicant intends to serve); and
- (2) the geographic distribution of discharge cleanup organizations in the coastal area for the purpose of insuring sufficient response capability.

(h) Industry organizations must report material changes in response capability to the GLO within 30 days of the change. Material changes in response capability include among other things:

- (1) a change in the location or a significant change in the quantity of the organization's response equipment or supplies; or
- (2) a change in the organization's ownership or full-time personnel to the extent that such change affects discharge response capability; such change shall be reported within 72 hours.

(i) Volunteer organizations who register with the GLO are considered certified. Registration forms are available from the GLO. The registration must include the organization's size, experience in discharge response, ability to properly dispose of or arrange for the disposal of waste from discharges, the qualifications of persons who will lead or coordinate response activities for the organization, and the quantity and quality of equipment and supplies owned or available to the organization. Volunteer organizations engaged in wildlife rescue or rehabilitation will be certified only if they comply with requirements of the Texas Parks and Wildlife Department's regulations related to such organizations or with equivalent regulations. A volunteer organization shall ensure its actions are consistent with the National Contingency Plan, §300.185 and §300.700. The GLO may suspend a certificate if the organization's response activities are inconsistent with state or federal requirements.

(j) Volunteer discharge cleanup organizations or any discharge cleanup organization that is a

not-for-profit entity must appoint a minimum of two ex officio representatives from local governments to its governing body to advise it on discharge response matters. The representatives from local government may be from any level or agency of local government but must be from the geographic area to be served by the organization. The Marine Spill Response Corporation and for-profit entities are exempt from this requirement pursuant to OSPRA, §40.117(b).

(k) Those entities having federal Oil Spill Response Organization classification shall, on proper proof of such classification, be certified by the GLO as a discharge cleanup organization. Proper proof includes, but is not limited to, all information submitted to the United States Coast Guard, National Strike Force Coordination Center.

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**Source Note:** The provisions of this §19.20 adopted to be effective February 21, 1992, 17 TexReg 1109; amended to be effective May 14, 1993, 18 TexReg 2849; amended to be effective March 6, 1995, 20 TexReg 1261.